

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

MICHAEL G A ANDREW RUTLEDGE	§	CASE NO 23-60463
CRYSTAL ST CLAIE	§	
	§	
	§	
	§	
	§	
DEBTORS	§	CHAPTER 13
	§	
	§	

**MOTION OF CITY NATIONAL BANK OF SULPHUR SPRINGS FOR RELIEF FROM
AUTOMATIC STAY (TO PURSUE COLLECTION OF DEBT FROM NON-FILING CO-
DEBTOR), WAIVER OF THIRTY DAY REQUIREMENT**

14 - DAY NEGATIVE NOTICE - LOCAL BANKRUPTCY RULE 4001(a):

YOUR RIGHTS MAY BE AFFECTED BY THE RELIEF SOUGHT IN THIS PLEADING. IF YOU OPPOSE THE RELIEF SOUGHT BY THIS PLEADING, YOU MUST FILE A WRITTEN OBJECTION.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE US BANKRUPTCY JUDGE OF SAID COURT:

COMES NOW, CITY NATIONAL BANK OF SULPHUR SPRINGS (“CNB”, “Creditor” or “Movant”), and files this its Motion for Relief from Automatic Stay as follows:

1. Debtor Crystal St Claire filed this case on September 19, 2023, and confirmed her plan on April 15, 2024.
2. Movant is an unsecured creditor. Movant’s proof of claim No. 15 filed in this case is based on a written promissory note from Debtor and Debtor’s father, Dave Ellison St Claire (“Mr. St

Claire") to Movant. As of the date of filing, Debtor and Mr. St Claire owed Movant \$4,520.82 on the note.

3. Mr. St Claire did not file for bankruptcy protection; however, he has been protected in Debtor's bankruptcy by the automatic stay against co-debtors.

4. Movant's analysis of Debtor's confirmed plan reveals that after payment of a) the Chapter 13 Trustee, b) the balance of Debtor's unpaid attorney fees, c) a priority claim to the Texas State Comptroller and d) secured creditors provided for in the plan, there will be a balance of \$4,582.19 paid pro-rata to general unsecured creditors over the life of the plan.

5. Movant's analysis of the claim register reveals that there is at least \$17,871.36 in general unsecured creditors debt which will share pro-rata in the \$4,582.19 to be paid over time to unsecured creditors through plan payments. Movants debt owed on proof of claim No. 15 constitutes 25.6% of the unsecured claims. Accordingly, Movant only stands to receive \$1,174.87 over time in distributions to unsecured creditors.

6. Accordingly, Movant files this motion under 11 U.S.C.A. § 1301 (c) (2) because Debtor's plan does not propose to pay Movant's entire claim. Movant requests that this Court lift the automatic stay to permit it to pursue its claim against Mr. St Claire in the amount of \$3,407.32.

Respectfully submitted,

/s/ James W. Litzler

JAMES W. LITZLER
SBN 12434510
201 Connally
P.O. Box 495
Sulphur Springs, TX 75482
(903) 885-7523
(903) 885-0853 Fax
james.litzler@bankatcnb.com

Attorney for Creditor
City National Bank of Sulphur Springs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all parties in interest via regular first-class mail or electronic means as listed on the Court's ECF noticing system to the parties on the attached list on April 26, 2024

SERVICE LIST

Debtor:

Michael G A Andrew Rutledge
Crystal St Claire
575 CR 1917 Lot #5
Yantis, Texas 75497

Debtor's Attorney:

Juan Tomasino
Allmand Law Firm, PLLC
860 Airport Freeway
Suite 401
75206
Hurst, Texas 76054

Chapter 13 Trustee

Standing Chapter 13 Trustee
Lloyd Kraus
Plaza Tower
110 N. College Ave., 12th Floor
Tyler, Texas 75702

U.S. Trustee:

Office of the US Bankruptcy Court
Plaza Tower
110 N. College Avenue
Ninth Floor
Tyler, Texas 75702

/s/ JAMES W. LITZLER